



February 2, 2005

HOUSE BILL No. 1573

DIGEST OF HB 1573 (Updated February 1, 2005 12:01 pm - DI 96)

Citations Affected: IC 6-6; IC 9-13; IC 9-18; IC 9-19; IC 9-20; IC 9-21; IC 9-24; IC 9-29; IC 10-11; IC 13-11; IC 26-1; noncode.

Synopsis: Agricultural vehicles and excise tax issues. Reduces the annual excise tax for certain vehicles used in farming operations from 50% to 25% of the amount for other vehicles of the same declared gross weight. Caps base year revenues at the amounts determined for calendar year 2005 for purposes of the commercial vehicle excise tax. Changes the defined term "implement of husbandry" to "implement of agriculture" for purposes of the motor vehicle code, and requires the bureau of motor vehicles (bureau) to determine categories of implements of agriculture by rule. Redefines the terms "farm tractor" and "tractor" for purposes of the motor vehicle code. Defines "special machinery" and sets a fee for registration. Provides that certain motor vehicles may be operated and registered as farm trucks, farm trailers, or farm semitrailers and tractors if not used for certain commercial enterprises. Makes it a Class C infraction (and a Class B infraction for a second offense within three years) to operate or own a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle is used for certain commercial enterprises. Revises the definitions of "law enforcement officer" and "police officer" for purposes of the motor vehicle code to include a motor carrier inspector (inspector), and gives an inspector authority over violations of certain offenses involving a farm truck, farm trailer, or farm semitrailer. Requires the bureau to adopt rules to identify and define "farm truck", "farm trailer", and "farm semitrailer and tractor". Prohibits a police officer from impounding (Continued next page)

Effective: Upon passage; July 1, 2005.

**Cherry, Van Haaften, Stutzman,
Grubb**

January 18, 2005, read first time and referred to Committee on Roads and Transportation.
February 1, 2005, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.

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certain farm products when a vehicle is discovered in violation of registration requirements, and removes the penalty against an officer for a reckless violation of this provision. Revises the exclusion of certain garden tractors from the application of the waste tire management fund fee. Repeals the definitions of "farm machinery", "farm tractor used in transportation", and "special farm machinery", and repeals references to those terms within the motor vehicle code. Deletes an obsolete reference to a financing statement for a farm tractor. Repeals the license fee for certain vehicles used in farming operations. Makes conforming amendments.

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February 2, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1573

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-6-1.1-903 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 903. (a) A person is
3 entitled to a refund of gasoline tax paid on gasoline purchased or used
4 for the following purposes:
5 (1) Operating stationary gas engines.
6 (2) Operating equipment mounted on motor vehicles, whether or
7 not operated by the engine propelling the motor vehicle.
8 (3) Operating a tractor used for agricultural purposes.
9 (3.1) Operating implements of husbandry **agriculture** (as defined
10 in IC 9-13-2-77).
11 (4) Operating motorboats or aircraft.
12 (5) Cleaning or dyeing.
13 (6) Other commercial use, except propelling motor vehicles
14 operated in whole or in part on an Indiana public highway.
15 (7) Operating a taxicab (as defined in section 103 of this chapter).

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(b) If a refund is not issued within ninety (90) days of filing of the verified statement and all supplemental information required by IC 6-6-1.1-904.1, the department shall pay interest at the rate established by IC 6-8.1-9 computed from the date of filing of the verified statement and all supplemental information required by the department until a date determined by the administrator that does not precede by more than thirty (30) days the date on which the refund is made.

SECTION 2. IC 6-6-5.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) For calendar years that begin after December 31, 2000, the annual excise tax for a commercial vehicle will be determined by the motor carrier services division on or before October 1 of each year in accordance with the following formula:

STEP ONE: Determine the total amount of base revenue to be distributed from the commercial vehicle excise tax fund to all taxing units in Indiana during the calendar year for which the tax is first due and payable. ~~For calendar year 2001, the total amount of base revenue for all taxing units shall be determined as provided in section 19 of this chapter.~~ For calendar years that begin after December 31, 2001, **and end before January 1, 2006**, the total amount of base revenue for all taxing units shall be determined by multiplying the previous year's base revenue for all taxing units by one hundred five percent (105%). **For calendar years that begin after December 31, 2005, the total amount of base revenue for all taxing units shall be determined by multiplying the previous year's base revenue for all taxing units by one (1).**

STEP TWO: Determine the sum of fees paid to register the following commercial vehicles in Indiana under the following statutes during the fiscal year that ends June 30 immediately preceding the calendar year for which the tax is first due and payable:

(A) Total registration fees collected under IC 9-29-5-3 for commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes;

(B) Total registration fees collected under IC 9-29-5-5 for tractors used with semitrailers;

(C) Total registration fees collected under IC 9-29-5-6 for semitrailers used with tractors;

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(D) Total registration fees collected under IC 9-29-5-4 for trailers having a declared gross weight in excess of three thousand (3,000) pounds; and

(E) Total registration fees collected under IC 9-29-5-13 for trucks, tractors and semitrailers used in connection with agricultural pursuits usual and normal to the user's farming operation, multiplied by ~~two hundred fifty percent (200%)~~; **(50%)**.

STEP THREE: Determine the tax factor by dividing the STEP ONE result by the STEP TWO result.

(b) Except as otherwise provided in this chapter, the annual excise tax for commercial vehicles with a declared gross weight in excess of eleven thousand (11,000) pounds, including trucks, tractors not used with semitrailers, traction engines, and other similar vehicles used for hauling purposes, shall be determined by multiplying the registration fee under IC 9-29-5-3 by the tax factor determined in subsection (a).

(c) Except as otherwise provided in this chapter, the annual excise tax for tractors used with semitrailers shall be determined by multiplying the registration fee under IC 9-29-5-5 by the tax factor determined in subsection (a).

(d) Except as otherwise provided in this chapter, the annual excise tax for trailers having a declared gross weight in excess of three thousand (3,000) pounds shall be determined by multiplying the registration fee under IC 9-29-5-4 by the tax factor determined in subsection (a).

(e) The annual excise tax for a semitrailer shall be determined by multiplying the average annual registration fee under IC 9-29-5-6 by the tax factor determined in subsection (a). The average annual registration fee for a semitrailer under IC 9-29-5-6 is sixteen dollars and seventy-five cents (\$16.75).

(f) The annual excise tax determined under this section shall be rounded upward to the next full dollar amount.

SECTION 3. IC 6-6-5.5-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. **(a) This subsection applies before January 1, 2006.** Notwithstanding any other provision, the annual excise tax for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor as described in IC 9-29-5-13 is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

(b) This subsection applies after December 31, 2005. Notwithstanding any other provision, the annual excise tax for a

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1 **motor vehicle, trailer, or semitrailer and tractor operated**
 2 **primarily as a farm truck, farm trailer, or farm semitrailer and**
 3 **tractor as described in IC 9-29-5-13 is twenty-five percent (25%)**
 4 **of the amount listed in this chapter for a motor vehicle, truck,**
 5 **trailer, or semitrailer and tractor of the same declared gross**
 6 **weight.**

7 SECTION 4. IC 6-6-5.5-19 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) As used in this
 9 section, "assessed value" means an amount equal to the true tax value
 10 of commercial vehicles that:

11 (1) are subject to the commercial vehicle excise tax under this
 12 chapter; and

13 (2) would have been subject to assessment as personal property
 14 on March 1, 2000, under the law in effect before January 1, 2000.

15 (b) For calendar year 2001, a taxing unit's base revenue shall be
 16 determined as provided in subsection (f). For calendar years that begin
 17 after December 31, 2001, **and end before January 1, 2006**, a taxing
 18 unit's base revenue shall be determined by multiplying the previous
 19 year's base revenue by one hundred five percent (105%). **For calendar**
 20 **years that begin after December 31, 2005, a taxing unit's base**
 21 **revenue shall be determined by multiplying the previous year's**
 22 **base revenue by one (1).**

23 (c) The amount of commercial vehicle excise tax distributed to the
 24 taxing units of Indiana from the commercial vehicle excise tax fund
 25 shall be determined in the manner provided in this section. On or
 26 before June 1, 2000, each township assessor of a county shall deliver
 27 to the county assessor a list that states by taxing district the total
 28 assessed value as shown on the information returns filed with the
 29 assessor on or before May 15, 2000.

30 (d) On or before July 1, 2000, each county assessor shall certify to
 31 the county auditor the assessed value of commercial vehicles in every
 32 taxing district.

33 (e) On or before August 1, 2000, the county auditor shall certify the
 34 following to the department of local government finance:

35 (1) The total assessed value of commercial vehicles in the county.

36 (2) The total assessed value of commercial vehicles in each taxing
 37 district of the county.

38 (f) The department of local government finance shall determine
 39 each taxing unit's base revenue by applying the current tax rate for each
 40 taxing district to the certified assessed value from each taxing district.
 41 The department of local government finance shall also determine the
 42 following:

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(1) The total amount of base revenue to be distributed from the commercial vehicle excise tax fund in 2001 to all taxing units in Indiana.

(2) The total amount of base revenue to be distributed from the commercial vehicle excise tax fund in 2001 to all taxing units in each county.

(3) Each county's total distribution percentage. A county's total distribution percentage shall be determined by dividing the total amount of base revenue to be distributed in 2001 to all taxing units in the county by the total base revenue to be distributed statewide.

(4) Each taxing unit's distribution percentage. A taxing unit's distribution percentage shall be determined by dividing each taxing unit's base revenue by the total amount of base revenue to be distributed in 2001 to all taxing units in the county.

(g) The department of local government finance shall certify each taxing unit's base revenue and distribution percentage for calendar year 2001 to the auditor of state on or before September 1, 2000.

(h) The auditor of state shall keep permanent records of each taxing unit's base revenue and distribution percentage for calendar year 2001 for purposes of determining the amount of money each taxing unit in Indiana is entitled to receive in calendar years that begin after December 31, 2001.

SECTION 5. IC 9-13-2-56 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 56. ~~(a)~~ "Farm tractor" means ~~except as provided in subsection (b);~~ a motor vehicle designed and used primarily as a farm implement for drawing ~~farm machinery including plows, mowing machines, harvesters, and other implements of husbandry;~~ **agriculture** used on a farm and, when using the highways, in traveling from one (1) field or farm to another or to or from places of repairs. The term includes a wagon, trailer, or other vehicle pulled by a farm tractor.

~~(b) "Farm tractor"; for purposes of IC 9-21; means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.~~

SECTION 6. IC 9-13-2-60 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 60. "Farm wagon" means a wagon, other than an implement of ~~husbandry;~~ **agriculture**, used primarily for transporting farm products and farm supplies in connection with a farming operation.

SECTION 7. IC 9-13-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 77. ~~(a)~~ "Implement of

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husbandry" agriculture" means special farm machinery, farm machinery, and other agricultural implements, pull type and self-propelled, equipment used for the: transportation and

(1) transport;

(2) delivery; or

(3) application;

of plant food materials or agricultural chemicals crop inputs, including seed, fertilizers, and crop protection products, and vehicles designed to transport farm these types of agricultural implements.

(b) The bureau shall determine by rule under IC 4-22-2 whether a category of implement of agriculture was designed to be operated primarily:

(1) in a farm field or on farm premises; or

(2) on a highway.

SECTION 8. IC 9-13-2-92 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

(1) A state police officer.

(2) A city, town, or county police officer.

(3) A sheriff.

(4) A county coroner.

(5) A conservation officer.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6, IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in IC 35-41-1.

SECTION 9. IC 9-13-2-105 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of husbandry, agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

(1) a vehicle except a motorized bicycle that is self-propelled; or

(2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The

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term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.

SECTION 10. IC 9-13-2-127 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

SECTION 11. IC 9-13-2-170.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 170.3. "Special machinery" means a portable saw mill or well drilling machinery.**

SECTION 12. IC 9-13-2-180 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 180. "Tractor" means a motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind. The term does not include the following:

- ~~(1) a farm tractor.~~
- ~~(2) A farm tractor used in transportation.~~
- ~~(3) A tractor that is used exclusively for drawing a passenger carrying semitrailer.~~

SECTION 13. IC 9-13-2-188 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 188. (a) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(b) "Truck", for purposes of IC 9-21-8-3, includes the following:

- (1) A motor vehicle designed and used primarily for drawing another vehicle and constructed to carry a load other than a part of the weight of the vehicle and load so drawn.
- (2) A motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry: **agriculture.**

SECTION 14. IC 9-13-2-196 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 196. (a) "Vehicle"

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means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

- (1) A device moved by human power.
- (2) A vehicle that runs only on rails or tracks.
- (3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.
- (4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.
- (5) A municipally owned ambulance.
- (6) A police patrol wagon.
- (7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:
 - (A) Road construction or maintenance machinery.
 - (B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.
 - (C) Construction dust control machinery.
 - (D) Well boring apparatus.
 - (E) Ditch digging apparatus.
 - (F) An implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises.**
 - (G) An invalid chair.
 - (H) A yard tractor.
- (8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.

(e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 15. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This article does not apply to the following:

- (1) Farm wagons.
- (2) Farm tractors.
- ~~(3) Farm machinery.~~

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~~(4)~~ (3) A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:

(A) the new motor vehicle was being transported on a railroad car or semitrailer; and

(B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(4) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

SECTION 16. IC 9-18-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) License plates shall be displayed as follows:

(1) For a motorcycle, trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle.

(2) For a ~~farm tractor~~ or tractor, upon the front of the vehicle.

(3) For every other vehicle, upon the rear of the vehicle.

(b) A license plate shall be securely fastened, in a horizontal position, to the vehicle for which the plate is issued:

(1) to prevent the license plate from swinging;

(2) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate;

(3) in a place and position that are clearly visible;

(4) maintained free from foreign materials and in a condition to be clearly legible; and

(5) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) The bureau may adopt rules the bureau considers advisable to enforce the proper mounting and securing of license plates on vehicles consistent with this chapter.

SECTION 17. IC 9-18-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. Except as otherwise provided, before:

(1) a motor vehicle;

(2) a motorcycle;

(3) a truck;

(4) a trailer;

(5) a semitrailer;

(6) a tractor;

~~(7) an implement of husbandry or a farm tractor used in transportation;~~

~~(8)~~ (7) a bus;

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- 1 ~~(9)~~ (8) a school bus;
 2 ~~(10)~~ (9) a recreational vehicle; or
 3 ~~(11)~~ (10) special ~~farm~~ machinery;

4 is operated or driven on a highway, the person who owns the vehicle
 5 must register the vehicle with the bureau and pay the applicable
 6 registration fee.

7 SECTION 18. IC 9-18-2-29.5 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2005]: **Sec. 29.5. Before a piece of special**
 10 **machinery is operated off a highway or in a farm field, the person**
 11 **who owns the piece of special machinery must:**

12 (1) **register the piece of special machinery with the bureau;**
 13 **and**

14 (2) **pay the applicable registration fee.**

15 SECTION 19. IC 9-18-2-43 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 43. (a) Notwithstanding
 17 any law to the contrary but except as provided in subsection (b), a law
 18 enforcement officer authorized to enforce motor vehicle laws who
 19 discovers a vehicle required to be registered under this article that does
 20 not have the proper certificate of registration or license plate:

21 (1) shall take the vehicle into the officer's custody; and

22 (2) may cause the vehicle to be taken to and stored in a suitable
 23 place until:

24 (A) the legal owner of the vehicle can be found; or

25 (B) the proper certificate of registration and license plates
 26 have been procured.

27 (b) A law enforcement officer who discovers a vehicle in violation
 28 of the registration provisions of this article ~~has discretion in the~~
 29 ~~impoundment of~~ **may not impound** any of the following:

30 (1) Perishable commodities.

31 (2) Livestock.

32 ~~(c) A person who recklessly violates this section commits a Class A~~
 33 ~~misdemeanor.~~

34 SECTION 20. IC 9-19-1-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as
 36 provided in ~~subsections~~ **subsection** (b) ~~through (c)~~ and as otherwise
 37 provided in this chapter, this article does not apply to the following
 38 with respect to equipment on vehicles:

39 (1) Implements of ~~husbandry~~ **agriculture designed to be**
 40 **operated primarily in a farm field or on farm premises.**

41 (2) Road machinery.

42 (3) Road rollers.

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(4) Farm tractors.

(5) Vehicle chassis that:

(A) are a part of a vehicle manufacturer's work in process; and

(B) are driven under this subdivision only for a distance of less than one (1) mile.

(b) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by:

(1) a farm tractor; or

(2) a motor vehicle at a speed not greater than thirty (30) miles per hour;

is considered an implement of husbandry with respect to equipment requirements and all the requirements of this article regarding lamps on combinations; including farm tractors; apply.

(c) (b) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by a motor vehicle other than a farm tractor at a speed greater than thirty (30) miles per hour is considered a trailer for equipment requirement purposes and all equipment requirements concerning trailers apply.

SECTION 21. IC 9-19-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Sections 4 through 5 of this chapter and IC 9-19-4-3, IC 9-19-4-4, and IC 9-19-5-7:

(1) do not apply to:

(A) machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities;

(B) farm drainage machinery;

(C) implements of husbandry **agriculture** when used during farming operations or when so constructed so that they can be moved without material damage to the highways; or

(D) firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in ~~IC 36-8-12-1~~; **IC 36-8-12-2**); and

(2) do not limit the width or height of farm vehicles when loaded with farm products.

SECTION 22. IC 9-19-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A farm tractor and a self-propelled farm equipment unit or an implement of husbandry **agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and** not equipped with an electric lighting system must, at all times required by IC 9-21-7-2, be equipped with the following:

(1) At least one (1) lamp displaying a white light visible from a

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distance of not less than five hundred (500) feet to the front of the vehicle.

(2) At least one (1) lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear of the vehicle.

(3) Two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The lights required by this subsection must be positioned so that one (1) lamp showing to the front and one (1) lamp or reflector showing to the rear will indicate the furthest projection of the tractor, unit, or implement on the side of the road used in passing the vehicle.

(b) A combination of farm tractor and towed unit of farm equipment or implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and** not equipped with an electric lighting system must, at all times required by IC 9-21-7-2, be equipped with two (2) red reflectors that meet the following requirements:

(1) Are visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

(2) Are mounted in a manner so as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on the highway.

(c) A farm tractor and a self-propelled unit of farm equipment or an implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and** equipped with an electric lighting system must, at all times required by IC 9-21-7-2, be equipped with the following:

(1) Two (2) single-beam or multiple-beam head lamps meeting the requirements of section 20 or 21 of this chapter **or** IC 9-21-7-9.

(2) Two (2) red lamps visible from a distance of not less than five hundred (500) feet to the rear, or in the alternative, one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear and two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The red lamps or reflectors must be mounted in the rear of the farm tractor or self-propelled implement of ~~husbandry~~ **agriculture** so as to indicate as nearly as practicable the extreme left and right projections of the vehicle on the highways.

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(d) A combination of farm tractor and towed farm equipment or towed implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway** and equipped with an electric lighting system must, at all times required by IC 9-21-7-2, be equipped as follows:

(1) The farm tractor element of each combination must be equipped with two (2) single-beam or multiple-beam head lamps meeting the requirements of section 20 or 21 of this chapter or IC 9-21-7-9.

(2) The towed unit of farm equipment or implement of ~~husbandry~~ **agriculture** element of each combination must be equipped with the following:

(A) Two (2) red lamps visible from a distance of not less than five hundred (500) feet to the rear, or as an alternative, one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear.

(B) Two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The red lamps or reflectors must be located so as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on the highway.

(3) A combination of farm tractor and towed farm equipment or towed implement of ~~husbandry~~ **agriculture** equipped with an electric lighting system must be equipped with the following:

(A) A lamp displaying a white or an amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred (500) feet to the front.

(B) A lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear.

The lamps must be installed or capable of being positioned so as to indicate to the front and rear the furthest projection of that combination on the side of the road used by other vehicles in passing that combination.

(e) A farm tractor, a self-propelled farm equipment unit, or an implement of ~~husbandry~~ **agriculture** must not display blinding field or flood lights when operated on a highway.

(f) All rear lighting requirements may be satisfied by having a vehicle with flashing lights immediately trail farm equipment in accordance with IC 9-21-7-11.

SECTION 23. IC 9-19-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as

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provided in subsections (b) through (d), a tire on a vehicle moved on a highway may not have on the tire's periphery a block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber that projects beyond the tread of the traction surface of the tire.

(b) ~~Farm machinery~~ **Implements of agriculture** may use tires having protuberances that will not injure the highway.

(c) Tire chains of reasonable proportions may be used upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(d) From October 1 to the following May 1, a vehicle may use tires in which have been inserted ice grips or tire studs of wear-resisting material, installed in a manner that provides resiliency upon contact with the road, with projections that do not exceed three thirty-seconds (3/32) of an inch beyond the tread of the traction surface of the tire, and constructed to prevent any appreciable damage to the road surface.

SECTION 24. IC 9-19-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The Indiana department of transportation and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of:

(1) traction engines; ~~or~~

(2) tractors having movable tracks with transverse corrugations upon the periphery of movable tracks; or

(3) farm tractors or ~~other farm machinery~~; **implements of agriculture designed to be operated primarily in a farm field or on farm premises;**

the operation of which upon a highway would otherwise be prohibited under this chapter.

SECTION 25. IC 9-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this section, "farm vehicle loaded with a farm product" includes a truck hauling unprocessed leaf tobacco.

(b) Except for interstate highway travel, this article does not apply to the following:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) ~~Farm drainage machinery~~;

(3) ~~(2)~~ **(2)** Implements of ~~husbandry~~ **agriculture** when used during farming operations or when ~~so~~ constructed **so** that the implements can be moved without material damage to the highways.

(c) This article does not apply to firefighting apparatus owned or

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operated by a political subdivision or volunteer fire department (as defined in IC 36-8-12-2).

(d) Except for interstate highway travel, this article does not limit the width or height of a farm vehicle loaded with a farm product.

SECTION 26. IC 9-21-8-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) Except as provided in subsection (b), a stop or turn signal required under this chapter may be given by means of the hand and arm or by a signal lamp or lamps or mechanical signal device.

(b) This subsection does not apply to farm tractors and implements **of agriculture designed to be operated primarily in a farm field or on farm premises**. A motor vehicle in use on a highway must be equipped with and a required signal shall be given by a signal lamp or lamps or mechanical signal device when either of the following conditions exist:

(1) The distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four (24) inches.

(2) The distance from the center of the top of the steering post to the rear limit of the body or load of the motor vehicle exceeds fourteen (14) feet. This measurement applies to a single vehicle and a combination of vehicles.

SECTION 27. IC 9-21-8-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 46. A person may not drive or operate:

- (1) an implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises; or**
- (2) **a piece of special machinery;**

upon any part of an interstate highway.

SECTION 28. IC 9-21-8-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 47. The following vehicles must be moved or operated so as to avoid any material damage to the highway or unreasonable interference with other highway traffic:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) Farm drainage machinery.

(3) Implements of ~~husbandry~~ **agriculture**.

(4) Firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in IC 36-8-12-2).

(5) Farm vehicles loaded with farm products.

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1 SECTION 29. IC 9-21-21 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2005]:

4 **Chapter 21. Farm Vehicles Involved in Commercial Enterprises**

5 **Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may**
 6 **be operated primarily as a farm truck, farm trailer, or farm**
 7 **semitrailer and tractor if the vehicle meets the specifications set**
 8 **forth in IC 9-29-5-13(b).**

9 **Sec. 2. A farm truck, farm trailer, or farm semitrailer and**
 10 **tractor described in section 1 of this chapter may not be operated:**

11 (1) part time or incidentally in the conduct of a commercial
 12 enterprise except when the vehicle is being used in for-hire
 13 transportation of seasonal, perishable fruit or vegetables to
 14 the first point of processing; or

15 (2) for the transportation of farm products after the
 16 commodities have entered the channels of commerce.

17 **Sec. 3. A farm truck described in section 1 of this chapter may**
 18 **be used for personal purposes if the vehicle otherwise qualifies for**
 19 **that class of registration.**

20 **Sec. 4. If the owner of a farm truck, farm trailer, or farm**
 21 **semitrailer and tractor described in section 1 of this chapter begins**
 22 **to operate the farm truck, farm trailer, or farm semitrailer and**
 23 **tractor or permits the farm truck, farm trailer, or farm semitrailer**
 24 **and tractor to be operated:**

25 (1) in the conduct of a commercial enterprise; or

26 (2) for the transportation of farm products after the
 27 commodities have entered the channels of commerce during
 28 a registration year for which the license fee under
 29 IC 9-29-5-13 has been paid;

30 the owner shall pay the amount computed under IC 9-29-5-13.5
 31 due for the remainder of the registration year for the license fee.

32 **Sec. 5. In addition to the penalty provided in section 7 of this**
 33 **chapter, a person that operates a vehicle or allows a vehicle that**
 34 **the person owns to be operated when the vehicle is:**

35 (1) registered under this chapter as a farm truck, farm trailer,
 36 or farm semitrailer and tractor; and

37 (2) operated as set forth in section 4 of this chapter;
 38 commits a Class C infraction. However, the offense is a Class B
 39 infraction if, within the three (3) years preceding the commission
 40 of the offense, the person had a prior unrelated judgment under
 41 this section.

42 **Sec. 6. For purposes of this chapter, the operation of a vehicle**

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in violation of section 4 of this chapter is a continuing offense and the venue for prosecution lies in a county in which the unlawful operation occurred. However, a:

- (1) judgment against; or
- (2) finding by the court for;

the owner or operator bars a prosecution in another county.

Sec. 7. (a) A police officer who discovers a vehicle registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor that is being operated as set forth in section 4 of this chapter:

- (1) may take the vehicle into the police officer's custody; and
- (2) may cause the vehicle to be taken to and stored in a suitable place until:

- (A) the legal owner of the vehicle can be found; or
- (B) the proper certificate of registration and license plates have been procured and the amount computed under IC 9-29-5-13.5 has been paid.

(b) A police officer described in subsection (a) who discovers a vehicle in violation of the registration provisions of this chapter may not impound any of the following:

- (1) Perishable commodities.
- (2) Livestock.

SECTION 30. IC 9-24-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. Sections 1 through 5 of this chapter do not apply to the following individuals:

- (1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.
- (2) An individual while operating:
 - (A) a road roller;
 - (B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;
 - (C) a ditch digging apparatus;
 - (D) a well drilling apparatus;
 - (E) a concrete mixer; or
 - (F) a farm tractor or an implement of husbandry, agriculture designed to be operated primarily in a farm field or on farm premises;
 that is being temporarily drawn, moved, or propelled on an Indiana public highway.
- (3) A nonresident who:
 - (A) is at least sixteen (16) years and one (1) month of age; and

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(B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle in Indiana only as an operator.

(4) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) A nonresident whose home state or country does not require the licensing of operators or chauffeurs and who has not been licensed as an operator or a chauffeur in the nonresident's home state or country as an operator if the nonresident is at least sixteen (16) years and thirty (30) days of age and less than eighteen (18) years of age or as a chauffeur if the nonresident is at least eighteen (18) years of age, for not more than sixty (60) days in any one (1) year if the following conditions exist:

(A) The unlicensed nonresident is the owner of the motor vehicle or the authorized driver of the vehicle.

(B) The vehicle has been registered for the current year in the state or country of which the owner is a resident.

(C) The motor vehicle at all times displays a registration plate issued in the home state or country of the owner.

(D) The nonresident owner or driver has in the owner's or driver's immediate possession a registration card evidencing ownership and registration in the owner's or driver's home state or country or is able at any required time or place to do the following:

(i) Prove lawful possession or the right to operate the motor vehicle.

(ii) Establish the nonresident's proper identity.

(7) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is

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employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(8) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(9) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway.

An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

SECTION 31. IC 9-29-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The license fee for a ~~motor vehicle that has: (1) a corn shelter; (2) a well driller; (3) a hay press; (4) a clover huller; (5) a farm wagon type liquid fertilizer tank trailer; or (6) farm machinery; that is permanently mounted on the motor vehicle and used solely for transporting the equipment~~ **piece of special machinery** is five dollars (\$5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

(c) ~~The license fee for a farm wagon used for transporting farm products and farm supplies in connection with a farming operation is five dollars (\$5). The farm wagon is exempt from other fees provided under IC 9-18 or this article.~~

(d) ~~The license fee for a farm type dry or liquid fertilizer tank trailer or spreader or implement of husbandry used to transport bulk fertilizer between distribution point and farm and return is five dollars (\$5). The trailer, spreader, or implement is exempt from the other fees provided under IC 9-18 or this article.~~

(e) ~~(c)~~ The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar (\$5) license fee because the license is granted at a time that the license period is less than a year.

SECTION 32. IC 9-29-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. A farm wagon or farm type dry or liquid fertilizer tank trailer or spreader used to transport bulk fertilizer between distribution point and farm and return is exempt from all license fees when the wagon, trailer, or spreader is drawn or towed on a highway by a:

(1) farm tractor; or

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(2) properly registered motor vehicle.

~~that is registered as a farm tractor used in transportation.~~

SECTION 33. IC 9-29-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The license fee for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor:

(1) having a declared gross weight of at least ~~eleven~~ **sixteen** thousand ~~(11,000)~~ **(16,000)** pounds; and

(2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

~~(c) A farm truck, farm trailer, or farm semitrailer and tractor described in subsection (b) may not be operated either part time or incidentally in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce.~~

~~(d) A farm truck described in subsection (b) may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.~~

SECTION 34. IC 9-29-5-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 42. (a) Except as provided in subsection (c), vehicles not subject to IC 9-18-2-8 shall be registered at one-half (1/2) of the regular rate, subject to IC 9-18-2-7, if the vehicle is registered after July 31 of any year. This subsection does not apply to the following:

~~(1) A farm tractor used in transportation.~~

~~(2) (1) Special farm machinery.~~

~~(3) (2) Semitrailers registered on a five (5) year or permanent basis under IC 9-18-10-2.~~

(3) An implement of agriculture designed to be operated primarily on a highway.

(b) Except as provided in subsection (c), subsection (a) and IC 9-18-2-7 determine the registration fee for the registration of a vehicle subject to registration under IC 9-18-2-8(c), IC 9-18-2-8(d), and IC 9-18-2-8(e) and acquired by an owner subsequent to the date required for the annual registration of vehicles by an owner set forth in IC 9-18-2-8.

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(c) Subject to subsection (d), a vehicle subject to the International Registration Plan that is registered after September 30 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before April 1 of the following year beginning with the date of registration. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(d) If the department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration for motor vehicles subject to the International Registration Plan, a motor vehicle subject to the International Registration Plan that is registered after the date designated for registration of the motor vehicle in rules adopted under ~~IC 9-17-2-7~~ IC 9-18-2-7 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before the motor vehicle must be re-registered. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

SECTION 35. IC 10-11-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least eleven thousand (11,000) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

- (1) IC 6-1.1-7-10.
- (2) IC 6-6-1.1-1202.
- (3) IC 6-6-2.5.
- (4) IC 6-6-4.1-12.
- (5) IC 8-2.1.
- (6) IC 9-18.
- (7) IC 9-19.
- (8) IC 9-20.
- (9) IC 9-21-7-2 through IC 9-21-7-11.

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(10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.

(11) IC 9-21-8-45 through IC 9-21-8-48.

(12) IC 9-21-9.

(13) IC 9-21-15.

(14) IC 9-21-21.

~~(14)~~ **(15)** IC 9-24-1-1 through IC 9-24-1-3.

~~(15)~~ **(16)** IC 9-24-1-7.

~~(16)~~ **(17)** Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.

~~(17)~~ **(18)** IC 9-24-4.

~~(18)~~ **(19)** IC 9-24-5.

~~(19)~~ **(20)** IC 9-24-11-4.

~~(20)~~ **(21)** IC 9-24-13-3.

~~(21)~~ **(22)** IC 9-24-18-1 through IC 9-24-18-2.

~~(22)~~ **(23)** IC 9-25-4-3.

~~(23)~~ **(24)** IC 9-28-4.

~~(24)~~ **(25)** IC 9-28-5.

~~(25)~~ **(26)** IC 9-28-6.

~~(26)~~ **(27)** IC 9-29-5-11 through IC 9-29-5-13.

~~(27)~~ **(28)** IC 9-29-5-42.

~~(28)~~ **(29)** IC 9-29-6-1.

~~(29)~~ **(30)** IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.

~~(30)~~ **(31)** IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

SECTION 36. IC 13-11-2-245 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

~~(1) Farm tractors.~~

~~(2) Implements of husbandry.~~

~~(3) Farm tractors used in transportation.~~

~~(4)~~ **(1)** Mobile homes (house trailers).

~~(5)~~ **(2)** Trailers weighing not more than three thousand (3,000) pounds.

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~~(6)~~ (3) Antique motor vehicles.

(4) **Special machinery (as defined in IC 9-13-2-170.3).**

(b) "Vehicle", for purposes of IC 13-18-12, means a device used to transport a tank.

(c) "Vehicle", for purposes of IC 13-20-4, refers to a municipal waste collection and transportation vehicle.

(d) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle and types of equipment, machinery, implements, or other devices used in transportation, manufacturing, agriculture, construction, or mining.

The term does not include the following:

(1) A lawn and garden tractor that is propelled by a motor of not more than ~~twenty (20)~~ **twenty-five (25)** horsepower.

(2) A semitrailer.

(e) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth in IC 9-13-2-196.

SECTION 37. IC 26-1-9.1-311 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 311. (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) a statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt IC 26-1-9.1-310(a);

(2) any Indiana certificate-of-title statute covering automobiles, trailers, mobile homes, ~~or boats, farm tractors or the like~~, which provides for a security interest to be indicated on the certificate as a condition or result of perfection; or

(3) a certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under IC 26-1-9.1. Except as otherwise provided in subsection (d), IC 26-1-9.1-313, IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

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(c) Except as otherwise provided in subsection (d), IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to IC 26-1-9.1.

(d) During any period in which collateral, subject to a statute specified in subsection (a)(2), is inventory held for sale or lease by a person or leased by that person as lessor, and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person, but instead, the filing provisions of IC 26-1-9.1-501 through IC 26-1-9.1-527 apply.

SECTION 38. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 6-6-2.5-11; IC 9-13-2-55; IC 9-13-2-57; IC 9-13-2-169; IC 9-29-5-19.

SECTION 39. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 9-13-2-77(b), as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon it under IC 9-13-2-77(b), as added by this act, under interim written guidelines approved by the commissioner of motor vehicles.**

(b) **This SECTION expires on the earlier of the following:**

(1) **The date rules are adopted under IC 9-13-2-77(b), as added by this act.**

(2) **December 31, 2006.**

SECTION 40. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding IC 9-29-5-13, as amended by this act, the requirement that a motor vehicle, trailer, or semitrailer and tractor must have a declared gross weight of at least sixteen thousand (16,000) pounds in order to be categorized as a farm truck, farm trailer, or farm semitrailer and tractor does not apply to a motor vehicle, trailer, or semitrailer and tractor before January 1, 2006.**

(b) **This SECTION expires December 31, 2006.**

SECTION 41. [EFFECTIVE UPON PASSAGE] (a) **The bureau of motor vehicles shall adopt rules under IC 4-22-2 to identify and define "farm truck", "farm trailer", and "farm semitrailer and tractor", as required by IC 9-13-2-58.**

(b) **Notwithstanding subsection (a), the bureau of motor vehicles shall carry out the duties imposed on it by IC 9-13-2-58 and by this SECTION under interim written guidelines approved by the commissioner of motor vehicles.**

(c) **This SECTION expires on the earlier of the following:**

(1) **The date rules are adopted under IC 9-13-2-58.**

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(2) December 31, 2006.

SECTION 42. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "common carrier" has the meaning set forth in IC 8-2.1-17-4.

(b) As used in this SECTION, "contract carrier" has the meaning set forth in IC 8-2.1-17-5.

(c) As used in this SECTION, "person" includes an employee or a family member of a farmer.

(d) Notwithstanding IC 9-24-6-2(c), the bureau of motor vehicles shall adopt rules under IC 4-22-2 to exempt a person who operates a farm vehicle:

(1) that is controlled and operated by a farmer;

(2) that is used to transport:

(A) agricultural products;

(B) farm machinery; or

(C) farm supplies;

to or from a farm;

(3) that is not used in the operations of a common or contract motor carrier; and

(4) that is used within one hundred fifty (150) miles of the farmer's farm;

from regulation as a person required to hold a commercial driver's license in order to operate a farm vehicle.

(e) The bureau of motor vehicles shall carry out the duties imposed on it by IC 9-24-6-2(c) and by this SECTION under interim written guidelines approved by the commissioner of motor vehicles.

(f) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 9-24-6-2(c).

(2) December 31, 2006.

SECTION 43. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1573, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 27, delete "by the lesser of:" and insert "**for all taxing units by one (1).**".

Page 2, delete lines 28 through 30.

Page 4, line 23, delete "under section 7(a) of this chapter." and insert "**by multiplying the previous year's base revenue by one (1).**".

Page 6, between lines 16 and 17, begin a new paragraph and insert: "SECTION 8. IC 9-13-2-92 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

- (1) A state police officer.
- (2) A city, town, or county police officer.
- (3) A sheriff.
- (4) A county coroner.
- (5) A conservation officer.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6, IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in IC 35-41-1."

Page 6, between lines 32 and 33, begin a new paragraph and insert: "SECTION 10. IC 9-13-2-127 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations."

Page 6, line 41, strike "the following:".

Page 6, line 42, strike "(1)".

Page 6, line 42, delete "A" and insert "a".

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Page 7, line 2, delete "(2)".

Page 7, line 2, strike "A tractor that is used exclusively for drawing a passenger".

Page 7, strike line 3.

Page 15, line 28, delete "enterprise;" and insert "**enterprise except when the vehicle is being used in for-hire transportation of seasonal, perishable fruit or vegetables to the first point of processing;**".

Page 20, between lines 38 and 39, begin a new paragraph and insert:
 "SECTION 35. IC 10-11-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least eleven thousand (11,000) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

- (1) IC 6-1.1-7-10.
- (2) IC 6-6-1.1-1202.
- (3) IC 6-6-2.5.
- (4) IC 6-6-4.1-12.
- (5) IC 8-2.1.
- (6) IC 9-18.
- (7) IC 9-19.
- (8) IC 9-20.
- (9) IC 9-21-7-2 through IC 9-21-7-11.
- (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
- (11) IC 9-21-8-45 through IC 9-21-8-48.
- (12) IC 9-21-9.
- (13) IC 9-21-15.
- (14) IC 9-21-21.**
- ~~(14)~~ **(15)** IC 9-24-1-1 through IC 9-24-1-3.
- ~~(15)~~ **(16)** IC 9-24-1-7.
- ~~(16)~~ **(17)** Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
- ~~(17)~~ **(18)** IC 9-24-4.
- ~~(18)~~ **(19)** IC 9-24-5.
- ~~(19)~~ **(20)** IC 9-24-11-4.
- ~~(20)~~ **(21)** IC 9-24-13-3.

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~~(21)~~ **(22)** IC 9-24-18-1 through IC 9-24-18-2.
~~(22)~~ **(23)** IC 9-25-4-3.
~~(23)~~ **(24)** IC 9-28-4.
~~(24)~~ **(25)** IC 9-28-5.
~~(25)~~ **(26)** IC 9-28-6.
~~(26)~~ **(27)** IC 9-29-5-11 through IC 9-29-5-13.
~~(27)~~ **(28)** IC 9-29-5-42.
~~(28)~~ **(29)** IC 9-29-6-1.
~~(29)~~ **(30)** IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or
 IC 13-17-5-4.
~~(30)~~ **(31)** IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1573 as introduced.)

DUNCAN, Chair

Committee Vote: yeas 11, nays 0.

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